

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

EVAN R. FASSBENDER,

Plaintiff,

v.

Case No. 23-CV-486-JPS

STATE OF WISCONSIN, TONY
EVERS, KIRSTEN JOHNSON, EMILIE
AMUNDSON, PAUL BUGENHAGEN,
JR., ZACHARY M. BOSCH, LINDA
SAAFIR, MICHAEL P. MAXWELL,
DANIEL JAMES SIELAFF, ANDREA E.
LAU, MARTIN BINN, DAVID
HERRING, KIMBERLY HAINES, LISA
A. KWASIGROCH, DEANNA
STEVLINGSON, THOMAS J. PIEPER,
MONICA WALRATH, RALPH M.
RAMIREZ, ERIN FURGASON,
MARYLEE RICHMOND, GRACE
ISON, ERIC J. SEVERSON,
CORPORATION COUNSEL, COURT,
WISCONSIN JUDICIAL
COMMISSION, CHILD SUPPORT
AGENCY, CHILD SUPPORT
DIVISION, WISCONSIN
DEPARTMENT OF HEALTH
SERVICES, WAUKESHA COUNTY
SHERIFF'S DEPARTMENT,
WISCONSIN DEPARTMENT OF
JUSTICE, and WAUKESHA COUNTY
CIRCUIT COURT,

Defendants.

ORDER

On April 19, 2023, the Court denied Plaintiff Evan R. Fassbender's ("Plaintiff") motion for leave to proceed without prepayment of the filing

fee. ECF No. 4. Plaintiff appealed that order. ECF No. 13. The Seventh Circuit dismissed the appeal for lack of jurisdiction, noting that Plaintiff filed his notice of appeal late and that this Court had not granted him additional time in which to do so. ECF No. 18; *see also* ECF No. 11 (order clarifying for Plaintiff the process for filing an appeal, moving for an extension of time in which to do so, and moving to do so without prepayment of the separate appellate filing fee).

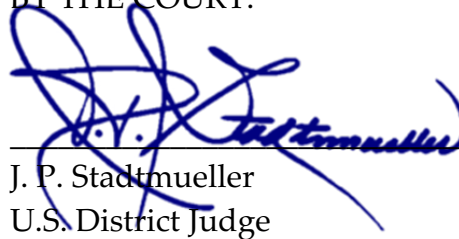
Plaintiff has not been permitted to proceed without prepayment of the filing fee (and the Seventh Circuit has not displaced the Court's finding that Plaintiff is not entitled to do so), and he has not yet paid the applicable filing fee in this case. Accordingly, the Court will order that Plaintiff pay the applicable district court filing fee of \$405.00 on or before **December 29, 2023**. If Plaintiff pays the filing fee, the Court may still screen his complaint in accordance with 28 U.S.C. § 1915. *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999) (“[D]istrict courts have the power to screen complaints filed by all litigants . . . regardless of fee status.” (citing 28 U.S.C. § 1915(e)(2)(B) and *McGore v. Wrigglesworth*, 114 F.3d 601, 608 (6th Cir. 1997))). If he fails to do so, this case will be dismissed without prejudice, and Plaintiff's outstanding motions, ECF Nos. 6 and 8, will be denied as moot. Civ. L.R. 41(c) (permitting dismissal of actions for “lack of diligence”).

Accordingly,

IT IS ORDERED that Plaintiff Evan R. Fassbender must remit the entire \$405.00 filing fee for this action on or before **December 29, 2023**; failure to do so will result in dismissal without prejudice of this case without further notice.

Dated at Milwaukee, Wisconsin, this 15th day of December, 2023.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge

Plaintiff will be required to submit all correspondence and legal material to:

Office of the Clerk
United States District Court
Eastern District of Wisconsin
362 United States Courthouse
517 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202

DO NOT MAIL ANYTHING DIRECTLY TO THE COURT'S CHAMBERS. If mail is received directly to the Court's chambers, **IT WILL BE RETURNED TO SENDER AND WILL NOT BE FILED IN THE CASE.**

Plaintiff is further advised that failure to timely file any brief, motion, response, or reply may result in the dismissal of this action for failure to prosecute. In addition, the parties must notify the Clerk of Court of any change of address. **IF PLAINTIFF FAILS TO PROVIDE AN UPDATED ADDRESS TO THE COURT AND MAIL IS RETURNED TO THE COURT AS UNDELIVERABLE, THE COURT WILL DISMISS THIS ACTION WITHOUT PREJUDICE.**